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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,097	09/09/2003	Yih-Shin Weng	MTKP0054USA	2096
27765 7590 07/05/2007 NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER GUPTA, PARUL H	
			ART UNIT 2627	PAPER NUMBER
			NOTIFICATION DATE 07/05/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/605,097	WENG, YIH-SHIN	
	Examiner	Art Unit	
	Parul Gupta	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are pending for examination as interpreted by the examiner. The arguments filed on 6/15/07 were also considered with the following results.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7, 12, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7, 12, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: there is no apparatus limitation, just a reference to the method. The claims should be rewritten to actually include the elements of the apparatus rather than a vague reference to a previous method claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al., US Patent Publication 2002/0181356.

Regarding claim 1, Watanabe et al. teaches a method for accessing a variable memory (element 300 of figures 10 and 11) of an optical disk drive (figure 10) comprising following steps: (a) utilizing the optical disk drive to read data of an optical disk (element 2 of figure 10) and identifying the type of the data (paragraph 0132); (b) if the type of the data is first optical disk (DVD-ROM of paragraph 0136) data, storing reading ("control information") variables from an initial address (figure 11) of the variable memory (paragraph 0135); and (c) if the type of the data is second optical disk (DVD-R of paragraph 0136) data, storing reading variables from the initial address (shown in figure 11) of the variable memory (paragraphs 0135); wherein an arrangement of the variable memory is fixed for different types of optical disks accessed by the optical disk drive (figure 11 explains that the arrangement is fixed regardless of type of medium). The capacity of the variable memory (element 300 of figure 10) is only 256 Kbytes in total (paragraph 0137). The fact that each arrangement in figure 11 totals to exactly 256 Kbytes means that the arrangements must replace each other within the variable memory, based on type of disk inserted. Thus, all of the types of media must have the same initial address.

Regarding claim 2, Watanabe et al. teaches the method of claim 1 wherein the first optical disk data type is CDDA, VCD, CD-ROM, CD-R, or CD-RW, and the second optical disk data type is DVD-ROM, DVD-R, DVD-RW, DVD+R, DVD+RW, or DVD-

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RAM. Paragraph 0008 gives all of the different data types that can be used in the reference.

Regarding claim 3, Watanabe et al. teaches the method of claim 1 wherein the reading variables in step (b) or (c) are related to content of the optical disk (paragraph 0135).

Regarding claim 4, Watanabe et al. teaches the method of claim 1 wherein when the optical disk drive stores the reading variables in step (b) or (c) in the variable memory, the reading variables replace reading variables of a last-inserted optical disk stored in the initial address (figure 11) of the variable memory. Paragraph 0133 describes how the memory is reallocated based on the type of disk inserted into the drive. Thus, the memory is changed from disk to disk.

Regarding claims 5 and 10, Watanabe et al. teaches the method of claims 1 and 8, respectively, further comprising storing common reading variables necessary for the optical disk drive to access the optical disk into the variable memory having an area dedicated to storing the common reading variables (where the information is inherently stored), wherein the common reading variables include drive configuration, status, or tray status. Paragraphs 0132 and 0133 describe how the determination of type of disk, which includes drive configuration, is stored in the variable memory.

Regarding claims 6 and 11, Watanabe et al. teaches the method of claims 5 and 10, respectively, wherein the common reading variables stored in the variable memory (element 300 of figures 10 and 11) will not be replaced when a plurality of optical disks following the optical disk are accessed by the optical disk drive (paragraph 0066 and

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0083). As the information is used to determine information about the disk, and newly-obtained data is compared with preexisting data, the data can not be replaced every time a new disk is accessed by the drive.

Regarding claims 7, 12, and 18, Watanabe et al. also teaches an optical disk drive for performing the method of claims 1, 8, and 13, respectively (paragraph 0132).

Regarding claim 8, Watanabe et al. teaches a method for accessing a variable memory (element 300 of figures 10 and 11) of an optical disk drive (figure 10) comprising following steps: (a) utilizing the optical disk drive to read data of a DVD (element 2 of figure 10) and identifying the type of the data (paragraph 0132); (b) if the type of the data is DVD-ROM data, storing reading variables at an initial address (figure 11) of the variable memory (paragraphs 0132 and 0136); and (c) if the type of the data is DVD-RAM data, storing reading variables at the initial address (figure 11) of the variable memory (paragraphs 0132 and 0135); wherein an arrangement of the variable memory is fixed for different types of optical disks accessed by the optical disk drive (figure 11 explains that the arrangement is fixed based on type of medium as explained in the rejection to claim 1 above).

Regarding claim 9, Watanabe et al. teaches the method of claim 8 wherein when the optical disk drive (figure 10) stores the reading variables in step (b) or (c) in the variable memory (element 300 of figures 10 and 11), the reading variables replace reading variables of a last-inserted optical disk stored in the initial address in the variable memory. Paragraph 0133 describes how the memory is reallocated based on the type of disk inserted into the drive. Thus, the memory is changed from disk to disk.

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Regarding claim 13, Watanabe et al. teaches a method for accessing a variable memory (element 300 of figures 10 and 11) of an optical disk drive comprising following steps: (a) utilizing the optical disk drive (figure 10) to read and write data of an optical disk and identifying the type of the data (paragraph 0132); (b) if the type of the data is first recordable optical disk (such as DVD-ROM) data, arranging writing variables from a first initial address (figure 11) of the variable memory (paragraph 0140); and (c) if the type of the data is second recordable optical disk (such as DVD-R) data, arranging writing variables at the first initial address (figure 11) of the variable memory (paragraph 0139); wherein an arrangement of the variable memory is fixed for different types of optical disks accessed by the optical disk drive (figure 11 explains that the arrangement is fixed based on type of medium as explained in the rejection to claim 1 above).

Regarding claim 14, Watanabe et al. teaches the method of claim 13 wherein the first recordable optical disk data type is CD-R or CD-RW, and the second recordable optical disk data type is DVD-R, DVD-RW, DVD+R, DVD+RW, or DVD-RAM. Paragraph 0008 gives all of the different data types that can be used in the reference.

Regarding claim 15, Watanabe et al. teaches the method of claim 13 wherein when the optical disk drive stores the writing variables in step (b) or (c) in the variable memory (element 300 of figures 10 and 11), the writing variables replace writing variables of a last-inserted optical disk stored in the first initial address (figure 11) in the variable memory. Paragraph 0133 describes how the memory is reallocated based on the type of disk inserted into the drive. Thus, the memory is changed from disk to disk.

Regarding claim 16, Watanabe et al. teaches the method of claim 13 further comprising: if the type of the data is first recordable optical disk (such as DVD-ROM) data, storing reading variables at a second address (shown as "information storage region" in figure 11) of the variable memory (memory 400); and if the type of the data is second recordable optical disk (such as DVD-R) data, storing reading variables at the second initial address (shown as "information storage region" in figure 11) of the variable memory (memory 400).

Regarding claim 17, Watanabe et al. teaches the method of claim 16 wherein the first and second initial addresses are different in figure 11. The method of choosing different addresses and regions for different types of media is given in paragraphs 0138-0140.

Response to Arguments

4. Applicant's arguments with respect to the claimed invention have been considered, but are not persuasive.

Regarding claims 1, 8, and 13, applicant contends that the reference does not have an arrangement of the variable memory that is fixed. However, the arrangement of the memory is fixed based on the type of recording medium used as given in figure 11. A different type of medium can include different formats. The given figure shows the arrangement for DVD-ROM, DVD-RAM, and DVD-R, which are all different formats of optical disks.

Regarding claims 5 and 11, applicant contends that the reference does not teach common reading variables stored in a dedicated storage area of the variable memory.

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However, based on the claim language, the reference teaches common reading variables stored in a dedicated area, which is an inherent structure of memory to have a dedicated area for storing certain values.

Regarding claims 6 and 11, applicant contends that the reference does not teach that the common variables stored in the variable memory is not replaced when a plurality of optical disks following the current optical disk are accessed. However, this feature was not previously claimed and has been rejected appropriately above.

Regarding claim 17, applicant contends that the control information is not categorized into reading variables and writing variables and storing the reading variables and writing variables in the variable memory respectively. However, the concept of having separate areas for separate control information is clearly taught in figure 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parul Gupta whose telephone number is 571-272-5260. The examiner can normally be reached on Monday through Thursday, from 8:30 AM to 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PHG
6/25/07



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